

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of USTelecom for Forbearance Pursuant)	WC Docket No. 14-192
to 47 U.S.C. § 160(c) from Enforcement of)	
Obsolete ILEC Legacy Regulations That Inhibit)	
Deployment of Next-Generation Networks)	
)	
)	

ORDER

Adopted: November 16, 2015

Released: November 16, 2015

By the Chief, Wireline Competition Bureau:

1. On October 6, 2014, the United States Telecom Association (USTelecom) filed the above-captioned petition for forbearance, in which it seeks relief from seven categories of requirements applicable to incumbent local exchange carriers (LECs) or subsets thereof.¹ One category (Category 2) includes structural separation requirements that govern independent incumbent LECs in their provision of long distance services.² On November 6, 2015, USTelecom filed a request for approval to withdraw the portion of the petition that requests “Category 2 relief.”³ USTelecom seeks to withdraw this portion of the petition “without prejudice as to further action, including re-filing claims if deemed necessary.”⁴ While numerous parties filed comments on the petition, there is limited discussion in the record addressed to Category 2 (i.e., structural separation) in particular.⁵ Given the particular circumstances surrounding USTelecom’s petition and its request to withdraw, the Wireline Competition Bureau hereby grants the request and dismisses the withdrawn portion of the petition without prejudice.⁶

¹ Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) from Enforcement of Obsolete ILEC Legacy Regulations That Inhibit Deployment of Next-Generation Networks, WC Docket No. 14-192 (filed Oct. 6, 2014) (Petition); *see also Pleading Cycle Established for Comments on United States Telecom Association Petition for Forbearance from Certain Incumbent LEC Regulatory Obligations*, WC Docket No. 14-192, Public Notice, 29 FCC Rcd 13535 (Wireline Comp. Bur. 2014) (enumerating the seven categories of requirements covered by the petition).

² *See* Petition at 38-50, App. A-1. In particular, USTelecom has sought forbearance from “[a]ll remaining obligations under 47 C.F.R. § 64.1903, including any conditions imposed by prior Commission Orders granting partial forbearance from 47 C.F.R. § 64.1903.” Petition at App. A-1.

³ *See* Letter from Lynn Follansbee, Vice President, Law & Policy, USTelecom, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 14-192 (filed Nov. 6, 2015).

⁴ *Id.*

⁵ *Cf.* Comments of Alaska Communications Systems, WC Docket No. 14-192, at 2-5 (filed Dec. 5, 2014); Opposition of COMPTTEL, WC Docket No. 14-192, at 30-32 (filed Dec. 5, 2014); Comments of ITTA-The Voice of Mid-Size Communications Companies, WC Docket No. 14-192, at 7-8 (filed Dec. 5, 2014); Comments of NASUCA, WC Docket No. 14-92, at 17 (filed Dec. 5, 2014).

⁶ *See* 47 C.F.R. §§ 0.91, 0.291; *see also Petition for Forbearance of Zefcom, LLC d/b/a/ Telispire PCS*, WC Docket No. 09-197, Order, 26 FCC Rcd 16843 (Wireline Comp. Bur. 2011); *NTCH, Inc. Petition for Forbearance From 47*
(continued...)

2. ACCORDINGLY, IT IS ORDERED, pursuant to section 1.59(b) of the Commission's rules, 47 C.F.R. § 1.59(b), and sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that the November 6, 2015 request of USTelecom to partially withdraw its October 6, 2014 petition for forbearance IS GRANTED and that the withdrawn portion of the petition IS DISMISSED WITHOUT PREJUDICE.

3. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), that this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Matthew S. DelNero
Chief
Wireline Competition Bureau

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U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b), WC Docket No. 09-197, Order, 26 FCC Rcd 6735 (Wireline Comp. Bur. 2011).